

PLANNING AND ZONING COMMISSION MINUTES

City Council Chambers

February 15, 2022

5:30 P.M.

MEMBERS PRESENT: Frankie Parson, Patrick Noon, Chad Harkey, Jason Jones, Heath Hamberlin, Cody Sage, Bernd (Dutch) Deblouw and Ryan Baumgardner

MEMBERS ABSENT: Pat O'Rear

STAFF PRESENT: Michael Shirley, Angela Choy, Anna Scott and Teresita Pinon

I. Call to Order

Frankie Parson, Chairperson, called the meeting to order at 5:30 pm.

II. Invocation

III. Pledge of Allegiance

IV. Approval of January 18, 2022 P&Z Minutes

MOTION: Patrick Noon motioned for approval of the January 18, 2022, minutes.

SECOND: Jason Jones seconded the motion.

VOTE: The motion carried unanimously (8-0).

V. Citizen Comment

None

VI. Consent Agenda

A. CONSIDER application #P22-03 Hidden Hills Subdivision Phase 2A filed by Reich Enterprises, Inc. to plat approximately 5.322 acres of Abstract 177 William Robinson Survey into 13 residential lots located on Hidden Hills Circle, north of Hawkins Parkway.

B. CONSIDER application #P22-05 The Palms Unit Four Subdivision filed by Anwar Khalifa to plat approximately 3.761 acres of Abstract 360 Alex Jordan Survey into 14 residential lots located on Windmill Lane, east of Palms Lane.

MOTION: Chad Harkey motioned to approve the Consent Agenda.

SECOND: Ryan Baumgardner seconded the motion.

VOTE: The motion carried unanimously (8-0).

VII. Regular Agenda

- A. CONSIDER application #P22-04 Ruthlynn Terrace Subdivision filed by RTSH Investment, LLC to plat approximately 0.293 acres of Abstract 177 William Robinson Survey into 2 residential lots located at 714 Gemi Drive.

Angela Choy presented the staff report.

STAFF COMMENTS:

The applicant is requesting to plat approximately 0.293 acres into 2 residential lots located at 714 Gemi Drive.

The applicant has not installed the long side sewer water services and sidewalks or provided an estimate for the required infrastructure with a letter of credit prior to the Planning and Zoning Commission meeting.

STAFF RECOMMENDATION:

Staff recommends a conditional approval with the following requirements:

- The applicant provide an estimate and letter of credit for the sidewalk or install the sidewalk.
- The applicant provide an estimate and letter of credit for the long side water services or install the services.

Once all conditions are met, the plat would be considered approved.

Patrick Noon asked staff if the applicant had changed his mind on the Townhome rezone.

Angela Choy explained that the applicant would still be building the townhomes. She further explained he was taking the lot, splitting it into two and building two townhomes with the property line going down the middle of the two townhomes.

Heath Hamberlin asked staff whether Gemi Drive was a minor arterial road.

Angela Choy stated Gemi is a local street, which is appropriate for this type of development.

Heath Hamberlin asked whether they had to install sidewalks.

Angela Choy stated that was correct, on one side.

Heath Hamberlin asked how it was determined whether the sidewalk would go on the north side or south side of the road.

Angela Choy explained that when development or redevelopment occurs, it is usually on the side where the development is happening.

Dutch Deblouw asked if there were no sidewalks now.

Angela Choy stated that was correct.

Michael Shirley explained that if this were part of a master planned community, they could choose which side to put it on but that was not the case here.

Dutch Deblow asked if someone developed a lot on the other side, they would not have to install sidewalks.

Angela Choy stated that was correct.

Frankie Parson asked if the commercial property to the north of the two lots would be required to install sidewalks if they did a redevelopment.

Angela Choy stated that was correct.

MOTION: Patrick Noon motioned to approve with the conditions staff recommended.

SECOND: Jason Jones seconded the motion.

VOTE: The motion carried unanimously (8-0).

- B. A PUBLIC HEARING will be held to consider application filed by Mike Helms requesting a rezone from Multi-Family (MF-3) to General Retail (GR) Zoning District for approximately 0.3304 acres of AB 262 A Jordan Survey Tract 40-03 Section 3 located at 1700 North Eastman Road.

Angela Choy presented the staff report.

STAFF COMMENTS:

The applicant is requesting a rezone for approximately 0.3304 acres of AB 262 A Jordan Survey Tract 40-03 Section 3 from Multi-Family (MF-3) to General Retail (GR) located at 1700 North Eastman Road. The applicant owns this property as well as the property located in front of it that is situated along Eastman Road. The applicant would like to build a storage building on the property.

Eastman Road is classified as a principal arterial roadway and is maintained by TXDOT. Staff finds the proposed zoning change is consistent with surrounding uses and adjacent zoning; therefore, the request does not constitute spot zoning.

The applicant, Mike Helms and Ginny Gibson, were present to speak. They explained they wanted to add a storage building to the rear of their business on North Eastman Road. They are currently working with a surveyor and are in the process of combining the two lots into one lot.

Angela Choy explained that was two separate processes. The Planning and Zoning Commission public hearing was solely for the purpose of rezoning the property.

Frankie Parson asked staff to verify the rezone request was to go from Multi-Family to General Retail in order to be compatible with the property in front of it.

Angela Choy stated that was correct, and all the properties around it are General Retail or within a Planned Development for General Retail.

Patrick Noon asked whether access to the property was off of North Eastman Road.

Angela Choy explained Mr. Helms owns the property fronting North Eastman Road that is addressed 1700 North Eastman Road and they're wanting to do an addition to the current building on the property that is zoned Multi-Family.

Patrick Noon asked whether there was current access to Eastman Road.

Angela Choy stated there is.

Dutch Deblouw asked whether the storage unit would be for rent.

Angela Choy stated the storage building is for the business at 1700 North Eastman Road.

Dutch Deblouw went on to say it would not create any additional traffic or other issues.

Angela Choy stated that was correct.

Public Hearing opened for discussion.

No one was present to speak in opposition to the request.

Public Hearing closed.

MOTION:	Heath Hamberlin motioned to approve.
SECOND:	Chad Harkey seconded the motion.
VOTE:	The motion carried unanimously (8-0).

- C. A PUBLIC HEARING will be held to consider application #Z22-04 filed by Austin Reich requesting a rezone from Single-Family (SF-4) to Townhome (TH) Zoning District for approximately 36.892 acres of AB 262 A Jordan Survey Tract 15 Section 4, AB 360 A Jordan Survey and Lot 7, Richardson Addition located south of Page Road and west of Victor Drive.

Angela Choy presented the staff report.

STAFF COMMENTS:

The applicant is requesting a rezone for approximately 36.892 acres of AB 262 A Jordan Survey Tract 15 Section 4, AB 360 A Jordan Survey and Lot 7, Richardson Addition located south of Page Road and west of Victor Drive. The applicant would like to develop a neighborhood of townhomes with approximately 90 lots.

The applicant submitted a rezone for this property last October in which the Planning and Zoning Commission recommended denial (7-0). The applicant withdrew the request prior to the City Council meeting. The applicant has come back with a new request and included a lot on Victor Drive for access purposes.

To refresh your memory, the original request had one point of access onto Page Road. Due to the number of lots (60) and only one point of access, this would have required that all structures have fire sprinklers installed.

Fire Code requires secondary emergency vehicle access for developments that serve more than 30 dwelling units. The Fire Code Section D104.3 Remoteness requires that where two fire access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

With the new submittal, the applicant has acquired a lot on Victor Drive. This lot will provide the needed second point of access that meets the Fire Code requirements as well as the requirements set forth in the UDC.

Page Road is classified as a collector and is maintained by the City. Collector roads provide for the collection and distribution of traffic between arterial and local streets. This type of development is appropriate along this roadway, as long as access management is followed.

The applicant held a neighborhood meeting last Tuesday, February 8, 2022. Staff attended along with a few residents. Our city engineer also attended and answered quite a few questions about floodplain, drainage, traffic, and capacity for sewer and water, which there is. There is floodplain there, but through the development process, it will be determined whether or not the developer will

need to provide on-site detention or whether the floodplain can handle that drainage. Those were a lot of the concerns that we had at the last public hearing and our city engineer did address those at the neighborhood meeting.

Staff finds the proposed zoning change is consistent with the Comprehensive Plan; therefore, it does not constitute spot zoning.

Heath Hamberlin asked whether rezoning the lot on Victor Drive would constitute spot zoning.

Angela Choy explained that the Future Land Use map shows Low Density Residential for this area and Townhome zoning is consistent with Low Density Residential.

Frankie Parson asked whether the lot on Victor Drive would be used for emergency access only or whether it would be open access to anyone.

Angela Choy stated it would be open access. In order to have more than 60 lots, there must be two points of public access.

Cody Sage recalled the concerns from the residents at the public hearing in October when the applicant was proposing 60 lots and now the proposal is for 90. He asked staff whether the city engineers had looked at it and said it was ok.

Angela Choy stated both our city engineers had looked at it. The sewer line is 15" in diameter which is very large with capacity for much more than what is proposed.

The applicant, Austin Reich, 3900 Gable Crest Lane, Longview, TX 75605, was present to speak. The biggest change from the last proposal to the current one is the increase from 60 units to 90. The three main concerns from the neighbors were storm water capacity, sanitary sewer line capacity and access from Page Road.

Mr. Reich explained that the city engineer confirmed 120 units could fit with no issues with the sanitary sewer line capacity. As far as storm water goes, if I have to build a detention pond to slow the water down I will absolutely do that. As for the entrance from Page Road, I shifted it over to the west as far as I could. The exhibit showing 90 units is a preliminary layout. I recently acquired 13 Victor Drive that is going to be the main entrance when Phase 2 is built. Phase 1 would have 30 units. We would then construct 30 units for Phase 2 and the second entrance off of Victor Drive. The final phase would be the last 30 units but it will probably be a little less than that.

Frankie Parson asked Mr. Reich to clarify which entrance would be the primary entrance.

Mr. Reich stated the first 30 units will be built towards the north side of the tract and the Page Road entrance would be the main entrance for Phase 1. When Phase 2 gets built, there will be two permanent entrances and exits.

Dutch Deblow asked Mr. Reich how receptive the residents who attended the neighborhood meeting were.

Mr. Reich explained he was happy with their comments. It did not seem that they were too familiar with the process, where the boundaries were located and where the creek is in relation to their property.

Dutch Deblow asked Angela Choy whether she was at the meeting and agreed with that assessment.

Angela Choy stated she was present at the meeting and agreed with Mr. Reich. She explained a few people were from Victor Drive and they seemed to be ok with it. They had many questions and staff as well as the applicant answered a lot of those questions or concerns that they had. She further explained most of the people that were concerned were on the Hummingbird/Windsong side and she thought they were pretty happy because the floodplain does cut through and no houses will be abutting their development.

Public hearing opened for discussion.

No one was present to speak in support of the request.

Public hearing closed.

MOTION: Patrick Noon motioned for approval of the request.
SECOND: Jason Jones seconded the motion.
VOTE: The motion carried unanimously (8-0).

- D. A PUBLIC HEARING will be held to consider application #Z22-05 filed by Kyle Stephens requesting a rezone from Agricultural (A) to General Retail (GR) Zoning District for approximately 1.315 acres of Lot 1, Block 1 Good Shepherd North Park located at 323 East Hawkins Parkway.

STAFF COMMENTS:

The applicant is requesting a rezone for approximately 1.315 acres of Lot 1, Block 1 of Good Shepherd North Park located at 323 East Hawkins Parkway. The applicant would like to expand the existing building and parking.

Hawkins Parkway is classified as a minor arterial roadway and is maintained by the City. Staff finds the proposed zoning change is consistent with surrounding uses and adjacent zoning; therefore, the request does not constitute spot zoning.

Dutch Deblouw asked staff to clarify what piece of the property on the notification map was owned by Keith and Leslie Nance and which was owned by Good Shepherd North Park.

Angela Choy explained the northern piece had a strange property line but it was owned by Good Shepherd North Park.

The applicant's representative, Jim Catan, was present. He explained they had a project in the works and it was identified that there was a small section that was not rezoned at the time the rest of the property was rezoned. Good Shepherd just wanted to make the change in order to continue with the project.

Public hearing opened for discussion.

No one was present to speak in support of the request.

Public hearing closed.

MOTION: Dutch Deblouw motioned for approval of the request.
SECOND: Heath Hamberlin seconded the motion.
VOTE: The motion carried unanimously (8-0).


VIII. Staff Update

All zoning items presented to City Council were approved. During the discussion for the subdivision waiver on Magnolia Lane, it was mentioned that the fire station should have a sidewalk. A sidewalk will be installed at the fire station property.

IX. Adjourn

Chairperson Frankie Parson adjourned the meeting at 5:54 pm.

APPROVED:


Angela Choy, AICP
City Planner